

**Sereboff, Neal R. (AU3626)**

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**From:** Weinhardt, Robert  
**Sent:** Thursday, April 07, 2011 6:55 PM  
**To:** Sereboff, Neal R. (AU3626)  
**Cc:** Morgan, Robert  
**Subject:** RE: 10/799,042

I think one thing Jan may be concerned with whether they are defining structure or are trying to claim method steps within an apparatus claim.

E.g. let's take the one "where in the....applications communicate...using a publish-subscribe model...in which messages are published...and applications subscribe...". It sounds like "communicate...using a...model" could be an action and thus be a hybrid problem, or if not, it sounds like a lot of desired result that might be unclear as to what structure is implied of the "applications" in order to achieve that functionality.

Similar with the "each call to an API is routed to a ...subsystem". What structure is actually responsible for that and is this a hybrid claim?

The last wherein, I'm not even sure what that means in an apparatus claim. Is it an attempt at a product-by-process limitation. What does this mean to the structure?

In other words, I'm seeing a lot of desired results (or actions) instead of recitations of structure that are responsible for the results. The way the new 112 memo/training is looking, functional claiming and hybrid issues are something that should be considered.

If you want to stop by we can discuss in more detail as needed.

Bob

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**From:** Sereboff, Neal R. (AU3626)  
**Sent:** Thursday, April 07, 2011 11:18 AM  
**To:** Weinhardt, Robert  
**Cc:** Morgan, Robert  
**Subject:** 10/799,042

Bob,

Attached is the new claim for 10/799,042. Is there a problem with the "wherein" clauses? Jan asked that I run this by you.

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5/4/2011